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**REQUEST FOR ORAL HEARING
BEFORE
THE BOARD OF PATENT APPEALS AND INTERFERENCES**Docket Number (Optional)
9685-000001

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on July 23, 2007.

Signature _____

Typed or printed

Name Michael Malinzak

In re Application of

Henry E. Argasinski

Application Number

09/923,645

Filed

August 7, 2001For **METHOD AND SYSTEM FOR VIRTUAL WINDOW SHOPPING**

Art Unit

2153

Examiner

Yasin M. Barqadle

Applicant hereby requests an oral hearing before the Board of Patent Appeals and Interferences in the appeal of the above-identified application.

The fee for this Request for Oral Hearing is (37 CFR 41.20(b)(3))

\$ 1000

- ☒ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is:

\$ 500

- ☐ A check in the amount of the fee is enclosed.

- ☐ Payment by credit card. Form PTO-2038 is attached.

- ☐ The Director has already been authorized to charge fees in this application to a Deposit Account. I have enclosed a duplicate copy of this sheet.

- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 08-0750. I have enclosed a duplicate copy of this sheet.

- ☐ A petition for an extension of time under 37 CFR 1.136(b) (PTO/SB/23) is enclosed. For extensions of time in reexamination proceedings, see 37 CFR 1.550.

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I am the

- ☐ applicant/inventor.

- ☐ assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

- ☒ attorney or agent of record.

Registration number 43,770

- ☐ attorney or agent acting under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a) _____

Signature

Michael Malinzak

Typed or printed name

(248) 641-1600

Telephone number

July 23, 2007

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

- ☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 41.20(b)(3). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/923,645
Filing Date: August 7, 2001
Applicant: Henry E. Argasinski
Group Art Unit: 2153
Examiner: Yasin M. Barqadle
Title: METHOD AND SYSTEM FOR VIRTUAL WINDOW SHOPPING
Attorney Docket: 9685-000001

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Alexandria, Virginia 22313-1450

APPELLANT'S REPLY BRIEF

This Reply Brief is filed under 37 C.F.R. § 41.41 in reply to the Examiner's
Answer mailed May 21, 2007.

I. INTRODUCTION

The Examiner's Answer fails to establish that the Ferreira reference (provisional application 60/182,282, filed 2/14/2000) teaches each and every element of claims 2-9, 11-13, 15-17, and 21-23. MPEP § 2131. The differences between the Ferreira reference and the claimed methods are explained in detail in Appellant's Appeal Brief, dated 1/3/2007. Specifically, the Ferreira reference does not teach or suggest scrolling a point of view of a navigable image left or right within an internet site by moving the point of view of the navigable image in a direction along a city block while maintaining the point of view directed toward a group of adjacent storefronts of the city block.

With respect to the Claim Rejections section of the Examiner's Answer (pp. 3-8), Appellant relies upon the arguments set forth in Appellant's Appeal Brief, which are incorporated by reference and not repeated here.

In this Reply Brief, Appellant responds to specific issues identified in the Response to Arguments section of the Examiner's Answer (pp. 8-14).

II. APPELLANT PRE-DATES NEW MATTER NOT DISCLOSED IN THE FERREIRA PROVISIONAL APPLICATION

Appellant completed the invention in this country prior to February 14, 2001, which is the effective date of U.S. Pub. No. 2001/0034661 to Ferreira. Appellant pre-dates new matter not disclosed in the provisional application. For example, the Ferreira utility application discloses a manner of viewing an image not disclosed in the Ferreira provisional application. Specifically, Figure 7 shows counter clockwise rotation of an image by a user. 2001/0034661, Fig. 7. The Ferreira provisional application does not

disclose counter clockwise rotation of an image. Rather, the Ferreira provisional application discloses only pan left, pan right, pan up, pan down, and zooming. Ferreira provisional, p. 5. Although this manner of counter clockwise viewing is not anticipatory of the present claims, Appellant notes that this manner of viewing was not disclosed in the Ferreira provisional application and constitutes new matter.

Appellant maintains that neither the Ferreira provisional nor the Ferreira utility application anticipate claims 2-9, 11-13, 15-17, and 21-23. Because Appellant pre-dates new matter not disclosed in the Ferreira provisional application, only matter disclosed in the provisional application may be properly considered.

III. **THE “EXPLORE, BROWSE, AND MINGLE IN” LANGUAGE OF FERREIRA IS NOT ANTICIPATORY**

The Examiner's answer notes that the Ferreira provisional application describes a “VirtuaCity” on the internet for users to “explore, browse, and mingle in.” See Examiner's Answer, p. 10, 12, *citing* Ferreira provisional, p. 1, second paragraph. The Examiner argues that “moving and mingling amongst the community and pedestrians can only occur in accordance with appellant's claimed limitations.” See Examiner's Answer, p. 12. Appellant respectfully disagrees with the statement as the Examiner has interpreted “mingling” to include image navigation that is not described anywhere in Ferreira.

The movement described in Ferreira includes panning a camera left, right, up, or down and zooming. Ferreira provisional, p. 5. Nowhere does Ferreira describe scrolling a point of view of a navigable image left or right by moving the point of view in a direction along a city block while maintaining the point of view directed toward a group

of adjacent storefronts of the city block. The differences between the camera rotational movement described in Ferreira and the navigation claimed by Appellant are described in detail in Appellant's brief and, thus, are not repeated here.

IV. FERREIRA DOES NOT TEACH OR SUGGEST MOVING AN IMAGE "SIDEWAYS"

The Examiner's answer states that the Ferreira provisional application teaches "navigating an image and moving it sideways or up and down or any combination thereof, and zooming." See Examiner's Answer, p. 11. Appellant respectfully submits that Ferreira does not anywhere disclose movement *of the point of view* in a sideways, up, or down manner. Rather, Ferreira discloses rotational movement of a camera around a stationary point. See Ferreira provisional application, p. 5.

In other words, Ferreira teaches *panning* the camera left, right, up, and down, but does not anywhere teach moving the camera, or point of view, left, right, up, or down. Although Ferreira describes altering the camera's "perspective" to create the appearance of movement, the only "movement" described is rotational movement of the camera around a stationary point. Ferreira provisional, p. 5. As confirmed by the Ferreira utility application, "the user may feel that he or she is actually moving his or her head...". Ferreira utility, para. [0071]. Again, the differences between the camera rotational movement described in Ferreira and the navigation claimed by Appellant are described in detail in Appellant's brief and, thus, are not repeated here.

V. **MOVEMENT OF THE CAMERA PERSPECTIVE TOWARDS THE “STREET HORIZON” DOES NOT AMOUNT TO SCROLLING A POINT OF VIEW LEFT OR RIGHT BY MOVING THE POINT OF VIEW IN A DIRECTION ALONG THE CITY BLOCK WHILE MAINTAINING THE POINT OF VIEW DIRECTED TOWARD THE GROUP OF ADJACENT STOREFRONTS**

In Ferreira, at the end of every block is the “street horizon,” which is described as “another type of hyperlink.” Ferreira provisional, p. 3. Clicking on the street horizon hyperlink takes the user to the next block. Ferreira provisional, p. 3. In other words, clicking on the street horizon hyperlink moves the camera from one stationary point to another. Later in the application, Ferreira describes that “as bandwidth allows ... [t]he perspective of the camera will appear to move down the street in a continuous fashion and the ‘street horizon’ hyperlinks will become unnecessary.” Ferreira provisional, p. 30-31.

While this portion of Ferreira describes moving the camera “down the street” the movement of the camera is in the same direction as the point of view. In other words, both the movement of the camera and the direction of the camera’s perspective are pointed toward the “street horizon.” As Ferreira describes, the user previously would view the street horizon hyperlink and click on it to move to the next block. In the later description, the user would view the “street horizon” and simply move towards it.

This is not the function of the methods set forth in claims 21, 22, and 23. For example, claim 22 recites: “providing a navigable image of a group of adjacent storefronts along a city block” and “scrolling a point of view of said navigable image left or right within an internet site by moving said point of view of said navigable image in a direction along said city block while maintaining said point of view directed toward said group of adjacent storefronts”.

As compared with the later description in Ferreira, the following aspects of these claim limitations are distinctive: the “point of view” is moved in a direction along the city block; and the “point of view” is directed toward the group of adjacent storefronts while it is moved.

As another example, claim 23 recites: “scrolling images of an actual location as a navigable image on a website” and “navigating said navigable image in a left or right manner by communicating commands ... that move a point of view of said navigable image in a direction along actual store window displays while maintaining said point of view directed toward said actual store window displays to give a viewer an impression of walking down a street or strolling through a mall while viewing said actual store window displays.”

As compared with the later description in Ferreira, the following aspects of these claim limitations are distinctive: the “point of view” is moved in a direction along actual store window displays; the “point of view” is directed toward the actual store window displays while it is moved; and the viewer is given an impression of walking down a street or strolling through a mall “while viewing” the actual store window displays.

Ferreira does not teach this type of navigation. Specifically, moving the camera perspective toward the street horizon does not anticipate the claimed methods. Unlike the methods of claims 21, 22, and 23, the Ferreira description of moving the camera “down the street” only provides movement of the camera *in the same direction* as the point of view. Thus, both the movement of the camera and the direction of the camera's perspective are pointed toward the “street horizon.”

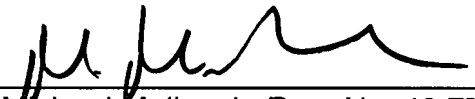
VI. **CONCLUSION**

For these reasons, Ferreira fails to teach each and every element of claims 2-9, 11-13, 15-17, and 21-23. Appellant respectfully requests a complete reversal of the Examiner's rejections of the claims.

Respectfully submitted,

Dated: July 23, 2007

By:


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